

# LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN

A PROFESSIONAL CORPORATION

COUNSELLORS AT LAW  
65 LIVINGSTON AVENUE  
ROSELAND, NEW JERSEY

07068-1791

TELEPHONE (201) 992-8700

FACSIMILE (201) 992-5820

SOMERVILLE OFFICE

TELEPHONE (908) 526-3300

FACSIMILE (908) 526-9173

November 6, 1995

ALAN V. LOWENSTEIN  
RICHARD M. SANDLER  
BENEDICT M. KOHL  
ARNOLD FISHER  
JOSEPH LEVOW STEINBERG  
MATTHEW P. BOYLAN  
BRUCE D. SHOULSON  
JOHN R. MACKAY 2ND  
MARTIN R. GOODMAN  
JOHN D. SCHUPPER  
STEPHEN N. DERMER  
MICHAEL L. RODBURG  
ALLEN B. LEVITHAN  
R. BARRY STIGER  
GREGORY B. REILLY  
PETER H. EHRENBERG  
STEVEN B. FUERST  
THEODORE V. WELLS, JR.  
WILLIAM S. KATCHEN  
MICHAEL DORE  
JOHN L. KRAFT  
ASHLEY STEINHART  
DOUGLAS S. EAKELEY

GERALD KROVATIN  
RICHARD D. WILKINSON  
ALAN WOVSANIKER  
KENNETH J. SLUTSKY  
DAVID L. HARRIS  
ZULIMA V. FARBER  
WILLIAM P. MUNDAY  
DANIEL J. BARKIN  
GEORGE J. MAZIN  
JAMES STEWART  
LAURA R. KUNTZ  
ROBERT D. CHESLER  
RICHARD F. RICCI  
JOHN L. BERGER  
DAVID W. FIELD  
MARTHA L. LESTER  
LINDA PICKERING  
JOHN D. HOGOBOOM  
TERRY E. THORNTON  
ROBERT G. MINION  
JEFFREY J. WILD  
LAWRENCE M. ROLNICK

ROBERT L. KRAKOWER  
NORMAN W. SPINDEL  
STUART S. YUSEM  
JEFFREY M. DAVIS  
HARVEY SMITH  
DIANE K. WEEKS  
DAVID E. ALPERT  
RICHARD P. BOEHMER  
OF COUNSEL

GARY M. WINGENS  
PAUL F. KOCH II  
BRUCE S. ROSEN  
DARRYL EVERETT GUGIG  
SAMUEL B. SANTO, JR.  
JONATHAN T. K. COHEN  
SUSAN YODOVIN LEONARD  
PAUL F. CARVELLI  
GARY F. EISENBERG  
ROSEMARY E. RAMSAY  
JEFFREY B. GRACER  
NEALE R. BEDROCK  
KARIM G. KASPAR  
ROBERT M. LAPINSKY  
HENRY M. PRICE  
DAVID A. THOMAS  
ANDREW E. ANSELM  
MICHAEL N. GOOEN  
PETER E. NAHMIA  
JERI L. ABRAMS  
RICHARD C. SZUCH  
THOMAS M. FITZGIBBON  
STEPHANIE WILSON  
VIRGINIA A. LAZALA  
MICHAEL J. McDONALD  
GEOFFREY A. PRICE  
PETER L. SKOLNIK  
NESLIHAN S. MONTAG  
NANCY LAKE MARTIN  
ALEX MOREAU  
WILLIAM J. VONDERHEIDE  
EDWARD T. ARNOLD  
THOMAS E. MESEVAGE  
JOYCE A. DAVIS  
MICHAEL DAVID LICHTENSTEIN  
BRIAN WEEKS  
VERONICA SMITH LEWIS

EDWARD M. ZIMMERMAN  
AMY C. GROSSMAN  
RICHARD A. LEVITAN  
MAUREEN E. MONTAGUE  
GAVIN J. ROONEY  
CHRISTOPHER L. WEISS  
CHARISSE A. CARNEY  
NELSON D. JOHNSON  
DANIEL C. BRAUN  
DAVID H. BOTTER\*  
EDWARD T. DARTLEY  
ABBY J. AGES  
KEVIN G. CORLISS  
TINA MARIE NIEHOLD  
SHERYL A. BERNSTEIN  
DAVID J. BIANCHI  
LAUREN M. HOLLENDER  
PATRICK J. WHALEN  
SARAH GODFREY HUNT  
SARAH B. LEVINSON  
COURTNEY A. SCHAEF  
DONALD G. HARRINGTON  
MAUREEN A. RUANE  
FRANK D. STEFANELLI  
DANA SADE  
MARJORIE A. ADAMS-MANSON  
LYNN L. ABRAHAM  
CATHERINE E. BOSTOCK  
THOMAS P. COLE  
MICHAEL E. GROSSMAN  
JAVIER E. ROBLES  
LOUISE WEINGROD  
JOYCE HANAK ROGINA  
MELISSA A. RULE  
ANDREA B. SCHWARTZ  
DAVID M. WISSEIT  
TIMOTHY G. HANSEN

\*NY BAR ONLY

## CERTIFIED MAIL RRR

Joseph Cosentino, OSC  
Removal Action Branch  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region II  
2890 Woodbridge Avenue  
Edison, NJ 08837

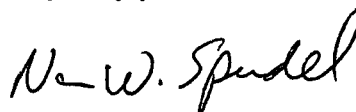
Re: Request for Information Pursuant to §104(e) of CERCLA  
Bayonne Barrel & Drum Superfund Site  
150-154 Raymond Boulevard, Newark, New Jersey

Dear Mr. Cosentino:

Enclosed please find Sybron Chemical Inc.'s Response to USEPA Region II's Request for Information Pursuant to §104(e) of CERCLA for the Bayonne Barrel & Drum Superfund Site. As requested in Ms. Callahan's letter, Sybron Chemical Inc.'s EPA ID number for its Birmingham, New Jersey operating facility is NJD002339406.

If you have any questions regarding the enclosure, please do not hesitate to contact me.

Very truly yours,



Norman W. Spindel

NWS:lc

Enclosures

cc: Marc Seidenberg, Esq. (w/encl.)  
John Sandstedt (w/encl.)

11/06/950171656.01



**SYBRON CHEMICALS INC.'s RESPONSES TO  
EPA's REQUEST FOR INFORMATION  
PURSUANT to SECTION 104(e) OF CERCLA;  
BAYONNE BARREL & DRUM SUPERFUND SITE**

**Preliminary Statement, General Comments and General Objections**

1. Sybron Chemicals, Inc. ("Sybron" or the "Company") provides the following information in response to the United States Environmental Protection Agency's ("USEPA") request dated September 28, 1995 and received October 6, 1995 for information concerning the potential release of hazardous substances at the "Bayonne Barrel & Drum Site" located at 150-154 Raymond Boulevard, Newark, New Jersey (the "Site").

2. Sybron objects to the information request to the extent it is overly broad, or seeks ancient or otherwise irrelevant information, the production of which is unduly burdensome and the value of which is minimal given the United States Environmental Protection Agency's (the "Agency" or "USEPA") authority under CERCLA §104(E)(1) to obtain information only "for the purposes of determining the need for response, or choosing or taking any response action under this subchapter or otherwise enforcing the provisions of the subchapter."<sup>1</sup>

3. Sybron objects to the information request to the extent it requires production of information or documents that contain attorney work product or that are covered by the attorney-client privilege.

4. Sybron objects to the request to provide the home address and telephone number of any individual who remains employed by Sybron and for which the business address and telephone number is provided.

5. Sybron is cooperatively providing these responses to the USEPA information request to assist Region II's investigation of the Site. These responses, however, do not constitute, and should not be construed as, a waiver by Sybron of its rights to object in the future to these requests or USEPA's use of the information provided. Neither the submission of these responses or the information contained herein shall constitute, or be construed as, an admission of any fact or legal conclusion by Sybron.

---

<sup>1</sup>Sybron notes that the information requested goes well beyond the authority contained in CERCLA §104(E)(2) specifying the following types of information which USEPA may obtain:

- (a) identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at a ... facility,
- (b) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at a for from a ... facility, or
- (c) information relating to the ability of a person to pay for or to perform a cleanup.

6. Other than as stated herein, Sybron, after diligent inquiry, has no knowledge or information, and has not discovered any documents suggesting the disposal, treatment, storage or release of any of its materials at the Site.

### **Sybron Chemicals Inc.'s Responses**

Sybron Chemicals Inc.'s responses to USEPA's Request for Information are presented in regular typeface; the questions are first presented in italics typeface.

1. *General Information About the Company*

a. *State the correct legal name of the Company.*

**Response:**

Sybron Chemicals Inc.

b. *Identify the legal status of the Company (corporation, partnership, sole proprietorship, specify if other) and the state in which the Company was organized.*

**Response:**

Sybron Chemicals Inc. is a corporation incorporated in the State of Delaware.

c. *State the names(s) and address(es) of the President and the Chairperson of the Board of the Company.*

**Response:**

Dr. Richard M. Klein, President and CEO, Chairman of the Board  
Sybron Chemicals Inc.  
P.O. Box 66  
Birmingham Road  
Birmingham, NJ 08011

d. *If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the names(s) and address(es) of the President(s) and the Chairperson(s) of the Board of those organizations. Provide such information for any further parent/subsidiary relationships.*

**Response:**

The following are subsidiaries of Sybron Chemicals Inc.:

Auralux Corporation  
29 Stott Avenue  
P.O. Box 113  
Yantic, CT 06389

Purification Products Company  
130 Vallecitos De Oro  
San Marcos, CA 920-69  
Melvin O'Hair, President

- e. *If the Company is a successor to, or has been succeeded by, another company, identify such other company and provide the same information requested above for the predecessor or successor company.*

**Response:**

Sybron objects to this question of the grounds of General Objection and Comment 2. To the extent that this question seeks information about transactions between a corporate predecessor of the Company, the Company responds that it is the successor to Sybron Chemicals, Inc. and Sybron Corporation. Sybron Corporation's address is 411 East Wisconsin Avenue, Milwaukee, WI 43202. This is a public corporation; the person's identified in the response to question 4 do not have any information concerning the identity of the President or Chairperson of the Board. Sybron Chemicals, Inc. dissolved as part of the transaction which resulted in the formation of Sybron Chemicals Inc.

*If the Company transacted business with Bayonne Barrel & Drum in the name of an entity not disclosed above, given the name of such entity and state its relationship to the Company.*

**Response:**

Sybron is unaware of any transactions with Bayonne Barrel and Drum in which waste or other materials from the Company were removed and disposed at Bayonne Barrel and Drum. However, the Company and the Gamlen Corporation, an entity operating as a division of the Company from 1987 to January, 1989 may have purchased reconditioned, clean drums from Bayonne Barrel & Drum ("Bayonne") which did not contain any materials. Moreover, John Sandstedt, Director of Regulatory Compliance, Sybron Chemicals Inc., upon receipt of the recent request for information, spoke with Donna Murphy of TRC Corp. and was told that USEPA has evidence of a drum at the Site bearing the label "Sybron Chemicals Inc., Clifton, NJ". This facility was a warehouse for the distribution of product to customers. The Company speculates that the drum identified by USEPA is a drum from one of its customers which was sent to the Site after use by the customer.

2. Company's Relationship to Bayonne Barrel & Drum

- a. *State whether the Company or any Company facility transacted any business with Bayonne Barrel & Drum for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").*

**Response:**

See the answer to question 1.

- i. *If so, describe the relationship (nature of services rendered or products sold to the Company) between the Company and Bayonne Barrel & Drum;*

**Response:**

Not applicable

- ii. *Provide copies of any contracts or agreements between the Company and Bayonne Barrel & Drum;*

**Response:**

The Company has not been able to locate any documents concerning its relationship, if any, with Bayonne Barrel & Drum.

- iii. *For each such facility, state the nature of the operations conducted at the facility, including the time period in which the facility operated; and*

**Response:**

See responses to questions 1 and 2, above.

- iv. *For each such facility, state its name, address, and current RCRA Identification Number.*

**Response:**

See responses to questions 1 and 2, above.

- b. *In addition, if the Company transacted business with Bayonne Barrel & Drum, provide the following information for each transaction:*

- i. *Identify the specific dates of each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;*

**Response:**

See response to question 1.f. The Company has been unable to locate any records which confirm any transaction(s), or the details of any transaction(s), which may have occurred.

- ii. *Identify the number of Containers that were the subject of each such transaction;*

**Response:**

See the answer to question 2.b.i.

- iii. *Generically describe each Container that was the subject of each such transaction (example: closed-head steel drums, etc.);*

**Response:**

See the answer to question 2.b.i.

- iv. *Identify the intended purpose of each such transaction;*

**Response:**

See the response to question 2.b.i.

- v. *State whether each Container that was the subject of the transaction contained any substance at the time of the transaction. As to each Container that contained any substance:*

- (1) *Identify each such substance, including its chemical content, physical state, quantity by volume and weight, and other characteristics; and*
- (2) *Provide all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relation to each such substance;*

**Response:**

See the previous responses to questions 1 and 2. In addition, to the best of the Company's knowledge, any containers which might have been obtained were reconditioned, clean and did not contain any materials.

vi. *If you contend that any such Container did not contact any substance at the time of the transaction:*

(1) *State whether such Container had previously been used by the Company to contain any substance, and if so:*

(a) *Identify all substances previously contained within such Container, including its chemical content, physical state, and other characteristics; and*

(b) *Provide as to such substances, all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;*

**Response:**

See responses previously provided, above.

vii. *Described in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned;*

**Response:**

The Company objects to this question on the basis of General Objection and Comment 2. To the extent this question seeks information concerning any transaction between the Company and Bayonne, the Company responds that it did not transfer any Containers to the Site.

viii. *Provide copies of all documents relating to any way to each transaction, including copies of delivery receipts, invoices, or payment devices;*

**Response:**

See response to question 2.b.vii, above.

ix. *Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction; and*

**Response:**

See response to question 2.b.vii, above.

- ix. *If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.*

**Response:**

See response to question 2.b.vii, above.

3. *Identify any other person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.*

**Response:**

Messrs. John Sandstedt, John Schettini, Donald Ricca, John Schwartz, Mort Kanovsky, Prafull Gajendragadkar and Henry Hoffman of Sybron Chemicals Inc., Birmingham Road, Birmingham, New Jersey 08011, (609) 893-1100 have provided information on the basis of their past or present responsibilities at the Company. Tom Belle, a former employee of the Company who last worked at the Company's facility located at 355 Belmont Avenue, Haledon, NJ also provided information on the basis of his knowledge of past operations of the Company. Mr. Belle's present address is Carib International, 255 Belmont Avenue, Haledon, NJ 07508.

4. *Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.*

**Response:**

Norman W. Spindel, Esq. of Lowenstein, Sandler, Kohl, Fisher & Boylan, P.C. assisted in the preparation of these responses. The individuals identified in the response to question 3 were consulted with respect to the preparation of these responses, such consultation involving all of the questions.

5. *Provide a list of insurance policies and indemnification agreements hold or entered into by you that may indemnify you against any liability that you may be found to have under CERCLA. Specify the insurer, type of policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response. In response to this request, please provide not only those policies and agreements that are currently in effect, but also those in effect since your company began sending Containers to the Site.*



**Response:**

The Company objects to this question on the basis of General Objection and Comment 2. To the extent that this question requests information relative to any potential liability the Company may have for the Site, the Company responds that the request is not applicable due to the fact that the Company did not use the Site for storage, treatment or disposal of any of its materials.

6. *State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Company, present or past directors, officers or owners of shares in the Company, for any liability that may result under CERCLA. Provide a copy of any such agreement or contract. Identify any agreement or contract that you are unable to locate or obtain*

**Response:**

See the response to question 5, above.

7. *Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.*

**Response:**

Sybron Chemicals Inc. is unaware of any information or documents in addition to those disclosed herein or which form the basis for these answers.

State of New Jersey :

CERTIFICATION OF JOHN P. SANDSTEDT

County of Burlington :

I certify that I have examined and am familiar with the information submitted in Sybron Chemicals Inc.'s Response to EPA Request for Information pursuant to CERCLA §104(e), and that I believe that the submitted information is true, accurate, and complete to the best of my knowledge. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine or imprisonment.



John P. Sandstedt  
Director of Regulatory Compliance

Sworn to before me this 3rd  
day of November, 1995



Notary Public

MORTON R. KANOVSKY  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires October 6, 1997

FIRST CLASS

FIRST CLASS

FIRST CLASS

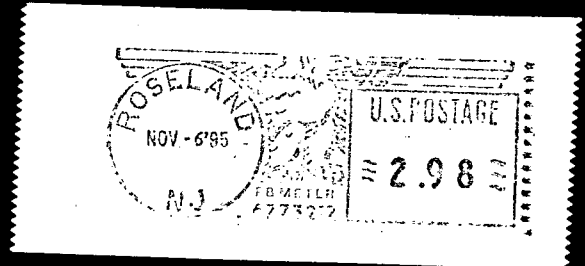
CERTIFIED

P 912 621 137

MAIL

RETURN RECEIPT REQUESTED

LOWENSTEIN, SANDLER, KOHL, FISHER & BOYLAN  
A PROFESSIONAL CORPORATION  
COUNSELLORS AT LAW  
65 LIVINGSTON AVENUE  
ROSELAND, NJ 07068-1791



FOLD AND TEAR HERE

Thank you for using Return Receipt Service.

FIRST CLASS MAIL

Joseph Cosentino, USC  
Removal Action Branch  
Emergency and Remedial  
Response Division  
U.S. Env. Protection Agency  
Region II, 2890 Woodbridge Av.  
Edison, NJ 08837

FIRST CLASS

FIRST CLASS

FIRST CLASS

FIRST CLASS

FIRST CLASS

FIRST CLASS

FIRST CLASS

FIRST CLASS

FIRST CLASS

FIRST CLASS

LINE 10